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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,897	05/14/2001	David Suden	510.043US01	7584

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FOGG, SLIFER & POLGLAZE, P.A.,  
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EXAMINER

GHATT, DAVE A

ART UNIT PAPER NUMBER

2854

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/854,897

Applicant(s)

SUDEN ET AL.

Examiner

Dave A Ghatt

Art Unit

2854

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6, 11, 15-17, 22, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10, 12-14, 18-21, 23 and 26-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 7, 8, 9, 10, 12, 13, 14, 18, 19, 20, 21, 23, 26, 27, 28, 29, 30, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitaoka (US 6,400,659) in view of Kita et al. (US 5,798,161). With respect to independent claims 1, 12, and 23, as outlined in the abstract, Kitaoka teaches a disk manufacturing apparatus and process. Kitaoka teaches in the abstract and also in column 5 lines 60-67, the use of a data recorder 23 to record content to the compact disc. Kitaoka also teaches a transporter 30 to transport the compact disc, and a printer 26 to print an image to the compact disc. Kitaoka therefore teaches all the claimed structure, except the printer of Kitaoka is not a transfer printer as recited. Kita et al. teaches a transfer printing apparatus and method for printing on disk. As outlined in the abstract of Kita et al., the apparatus prints an image on an internal intermediate transfer sheet and transfers the image from the transfer sheet to the compact disc. To one of ordinary skill in the art, it would have been obvious to use a transfer printing process and arrangement as taught by Kita et al., in the apparatus of Kitaoka in order to form a clear, highly sharp image on the disk, as outlined in Kita et al. in column 3 lines 55-58.

Again, the applicant should note that the teaching of Kita et al. provides motivation for using a transfer printing process in the manufacturing of compact disks. The teaching in column 3 lines 55-58 of Kita et al., stating the advantages of transfer printing, provides motivation for the general principle of using a transfer printing process for manufacturing compact disks.

With respect to claims 2, 3, 13, and 14, the transfer printing apparatus of Kita et al. uses a thermal transfer process to print as outlined in column 18 lines 14-52, wherein as illustrated in Figure 18, the re-transfer printer prints the image to the internal transfer sheet while the transporter moves the compact disc to the re-transfer printer. As outlined above, it would have been obvious to one of ordinary skill in the art to use the thermal transfer printer of Kita et al., in the apparatus of Kitaoka in order to form a clear, highly sharp image on the disk, as outlined in Kita et al. in column 3 lines 55-58.

With respect to claims 7 and 18, as outlined in column 16 lines 43-46, Kita et al. teaches a line thermal head for transferring inks from a multi-color ink sheet 131 to the intermediate transfer sheet 121. Figure 18 illustrates a re-transfer mechanism including a heating roller 115, which as outlined in column 18 lines 20-25 includes an actuator mechanism to actuate the heating roller towards and away from the intermediate transfer sheet. As outlined above, it would have been obvious to one of ordinary skill in the art to use the thermal transfer printer and accompanying structure of Kita et al., in the apparatus of Kitaoka in order to form a clear, highly sharp image on the disk, as outlined in Kita et al. in column 3 lines 55-58.

With respect to claims 8, 10, 19, and 20, Kita et al. teaches in column 18 lines 20-25 and in column 24 lines 44-65, an actuator mechanism, and a range of contact pressures between the roller 115 and the intermediate transfer sheet, which is all that is required to meet the limitations

Art Unit: 2854

of this claim. The applicant should note that in order for the apparatus of Kita et al. to be operable, the apparatus must include a controller to control the heating roller actuator mechanism. To one of ordinary skill in the art, it would have been obvious to use this selective pressure system of Kita et al. in order to print without damaging the disk, as outlined in column 24 line 63 of Kita et al., and also in order to form a clear, highly sharp image on the disk, as outlined in Kita et al. in column 3 lines 55-58.

With respect to claims 9, 21, 23, 27, and 31 as outlined in column 18 lines 47-52, Kita et al. teaches a method and apparatus including a re-transfer mark detector 118a to detect an alignment mark M formed on the intermediate sheet. It would have been obvious to one of ordinary skill in the art to use the thermal transfer printer and accompanying structure of Kita et al., in the apparatus of Kitaoka in order to form a clear, highly sharp image on the disk, as outlined in Kita et al. in column 3 lines 55-58.

With respect to claim 12, the applicant should note that the primary reference Kitaoka teaches in the abstract and in column 5 lines 60-67, that the apparatus includes data recorders 23 to record content to the compact disc. The applicant should note that in order for the compact disk manufacturing system of Kitaoka to work, there must be some form of processor for controlling the manufacturing process, the process including the step of providing content data, via the processor or some other memory source, to the recorder. Therefore Kitaoka meets the broad requirements of claim 12.

With respect to claims 26, 28, 29, 30, and 32, and the requirement for loading content data that is to be recorded to the compact disc, and the step of loading multiple image data to produce an image on the compact disc, these steps are inherent to the apparatus and process

Art Unit: 2854

outlined in the primary reference, Kitaoka. As stated above, in order for the CD manufacturing process of Kitaoka to work, there must be some for of processor for loading content data, via the processor or some other memory source, to be recorded to the CD. Similarly, there must also be some for of processor for loading image data, via the processor or some other memory source, to be produce an image on the CD.

***Allowable Subject Matter***

3. Claims 4, 5, 6, 11 15, 16, 17, 22, 24, and 25 are allowed.

***Examiner's Comments***

4. The examiner has considered the applicant's amendment filed 4 September 2003. In view of the applicant's comments on page 15 regarding the rejections under 35 USC § 112, the 112 second paragraph rejections have been withdrawn. Furthermore, in view of these comments and amendments to the claims, claims 4, 5, 6, 11 15, 16, 17, 22, 24, and 25 have been allowed.

The rejections to the remainder of the claims have been maintained. The examiner considered the applicant's remarks on pages 15-18 concerning the validity of the rejections under 35 USC § 103. Contrary to the applicant's arguments, the examiner believes that the rejections are proper. As outlined in the rejections statement, Kita et al. provides the teaching of using a transfer printing process in the manufacturing of compact disks. The teaching in column 3 lines 55-58 of Kita et al., stating the advantages of transfer printing, provides motivation for the general principle of using a transfer printing process for manufacturing compact disks.

Art Unit: 2854

Therefore Kita et al. does provide proper basis for incorporating a transfer printer in the manufacturing process of Kitaoka et al.

With respect to the applicant's comments stating that Kita et al. requires rollers on both sides of the disk, and that modifying Kitaoka using Kita et al. would result in changing the principle of operation of Kitaoka, the examiner disagrees. Both Kita et al. and Kitaoka teach supporting the disk during manufacturing. In Kita et al., a roller is used, and in Kitaoka, a tray is used. Both these elements act as counter-support platens. As such, these elements are interchangeable, and therefore in providing a combination of Kita et al. and Kitaoka, one of ordinary skill in the art would provide the tray taught by Kitaoka as a counter-pressure element, as opposed to the roller of Kita et al.

With respect to the applicant's comments regarding claims 12 and 26, as stated in rejection statement, in order for the CD manufacturing process of Kitaoka to work, there must be some for of processor for loading content data, via the processor or some other memory source, to be recorded to the CD. Similarly, there must also be some for of processor for loading image data, via the processor or some other memory source, to be produce an image on the CD.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2854

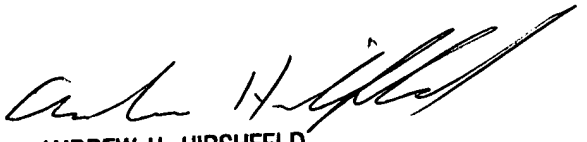
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (703) 308-2417. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

DAG

  
ANDREW H. HIRSHFELD  
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